

8/25/04
SKY

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)

v.)

JON MINOTTI,)

Defendant.)

M.B.D. NO. 04-10195-RWZ

**GOVERNMENT'S SECOND ASSENTED-TO MOTION FOR CONTINUANCE
PURSUANT TO 18 U.S.C. § 3161(h)(8)(A)**

The United States of America, by and through the undersigned counsel, respectfully requests a continuance of the period within which to return an indictment in this matter to October 1, 2004, pursuant to 18 U.S.C. § 3161(h)(8)(A). Defendant Jon Minotti, through counsel, assents to this motion. As grounds for this motion, the government states as follows:

1. On May 20, 2004, defendant Jon Minotti and three others (David Jordan, Anthony Bucci, and Francis Muolo) were arrested pursuant to a criminal complaint (M.J. No. 04-221-JLA) charging them with conspiracy to possess cocaine with intent to distribute, in violation of Title 21, United States Code, Section 846.

2. On May 21, 2004, the defendant had an initial appearance pursuant to Fed. R. Crim. P. 5 before United States Magistrate Judge Joyce London Alexander. The government moved for detention of all defendants pursuant to 18 U.S.C. § 3142. A detention hearing for defendant Minotti was scheduled for May 24, 2004.

3. On May 24, 2004, the Court released the defendant on bond.

4. On July 6, 2004, a grand jury returned an indictment against Bucci, Jordan, and Muolo.

5. On July 9, 2004, United States District Judge Rya W. Zobel signed an order extending the date for the return of an indictment of Minotti to August 27, 2004.

6. The government and counsel for defendant Minotti are still negotiating a potential pre-indictment disposition of this matter, but have not completed those negotiations. The parties believe that they will be able to reach an agreement, but believe that they will require an additional period of time to complete their discussions. Accordingly, the parties jointly request that the Court continue the date for the return of any indictment to October 1, 2004.

7. Michael Schneider, Esq., counsel for the defendant, has advised counsel for the government that he assents to this request for a continuance on behalf of his client. It is the position of the parties that the ends of justice will be best served by this continuance in that it will allow the parties additional time to attempt to arrange a pre-indictment disposition of this matter, thereby conserving judicial, grand jury, and governmental resources. It is the position of the parties that the interests of justice served by the requested

continuance outweigh the interests of the defendant and the public in a speedy indictment.

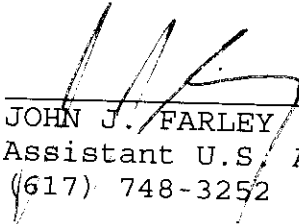
WHEREFORE, for the foregoing reasons, the undersigned respectfully requests that the Court grant a continuance of the period within which to return an indictment in this matter to October 1, 2004, in the interests of justice and enter an appropriate order of excludable delay.

A proposed Order is attached to this motion.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

By:



JOHN J. FARLEY
Assistant U.S. Attorney
(617) 748-3252

Dated: August 24, 2004


CERTIFICATE OF SERVICE

Suffolk, ss.

Boston, Massachusetts
August 24, 2004

I, John J. Farley, Assistant U.S. Attorney, do hereby certify that I have served the copy of the foregoing by U.S. mail, postage prepaid to the following:

Michael Schneider, Esq.
95 Commercial Wharf
Boston, MA 02110-3816
(Counsel for Defendant Minotti)



John J. Farley
Assistant U.S. Attorney